

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

KENNETH D. BELL, in his capacity as a
Court-appointed Receiver for Rex Venture Group LLC d/b/a Zeekrewards.com,

Plaintiff,

Clerk, US District Court
Western District of NC

RECEIVED
CHARLOTTE, NC

MAY 16 2017

Case No: 3-14 cv91

v.

TODD DISNER, in his individual capacity and in his
Capacity as trustee for Kestrel Spendthrift Trust, TRUDY
GILMOND; TRUDY GILMOND, LLC; JERRY NAPIER;
DARREN MILLER; RHONDA GATES; DAVID
SORRELS, INNOVATION MARKETING, LLC;
AARON ANDREWS; SHARA ANDREWS; GLOBAL
INTERNET FOREMULA, INC; T. LEMONT SILVER;
KAREN SILVER; MICHAEL VAN LEEUWEN;
DURANT BROCHET; DAVID KETTNER; MARY
KETTNER; P.A.W.S. CAPITAL MANAGEMENT LLC;
LORI JEAN WEBBER; and a DEFENDANT Class of Net
Winners in ZEEKREWARDS.COM,

Defendants.

**JURISDICTIONAL
CHALLENGE**

WITH AFFIDAVIT

NOTICE, not a motion

Addressed to: STATE OF NORTH
CAROLINA

JURISDICTIONAL CHALLENGE WITH AFFIDAVIT

Lamel Mitchell by special appearance to this matter in this court of record with clean hands,
without prejudice and with all rights reserved including UCC 1-308 in dealing with this court, in
pro per, sui juris (NOT PRO SE), have not seen any evidence that proves they have a liability for

the all natural person's appellations name in the above caption, ab initio, challenge the Persona standi in judico and Subject Matter Jurisdiction.

Supreme Court Case of 1795, Penhallow v. Doane's Administrators (3 U.S. 54; 1L Ed. 57; 3 Dall. 54) defines governments; "*governments are corporations*". In as much every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons.

The **pleadings from the Plaintiff** asserting proper jurisdiction throughout this case must be made on a point by point basis for **all** the moving **Plaintiff** actions, filings and motions are true and correct in relation to the proper State laws, codes, rules, regulations, statutes used to conduct this case that proper jurisdiction was always maintained from the record including the incomplete summons. Which was never served on Lamel Mitchell thus denying jurisdiction?

This court lacks persoman and subject matter jurisdiction of the alleged defendant in error Lamel Mitchell.

***Weishuhn v Catholic Diocese of Lansing*, 279 Mich App 150,155; 756 NW2d 483 (2008) & (2010) case site, *Oakland County v Human Services*, Mich App (2010), show that the issue of subject matter was brought in on a Motion for summary disposition, just like alleged "Defendants" did in this case. The United States Supreme Court has stated (sites omitted) *the challenge of subject matter may be raised at any time*, it never stated by what form. In Cork v Applebee's of Michigan, Inc., 239 Mich App 311, 608 NW2d 62 (2000), The Court would lack jurisdiction being that there is evidence to support the improperly contrived subject matter by proper legislative process; and the Eleventh Amendment of the United States Constitution removed all "judicial power" in law, equity, treaties, contract law and the right of the State to bring suit against the People, therefore the "Defendant" now challenge jurisdiction for the record.**

Once jurisdiction is challenged, it must be proven. *Hagens v. Lavine*, 415 U.S. 533, note 3.

Mere good faith assertions of power and authority (jurisdiction) have been abolished. *Owens v. The City of Independence*. [Cite omitted]

H.R. 1491 (1933) and *McDonald v. City of Chicago*, that brought this 14th Amendment subject up... if we are actually considered (assumed and presumed by the gov.) to be 14th Amendment citizens and the implications for us... obligated to leave us alone and not apply the gov's Administrative Law to us ?

Standing must also be proven to show jurisdiction. In order to bring a case in court, litigants must have "standing" to sue. In order to have standing, Supreme Court doctrine requires that parties have an "injury in fact." This injury must be specific and concrete - rather the speculative and abstract. Standing requires the violation of a legal right that causes damage. "A plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." *Allen v. Wright*, 468 U.S. 737, 751 (1984) and:

"To gain standing to bring an action, a plaintiff must allege a distinct and palpable injury. *Warth v. Seldin*, 422 U.S. 490, 501." *Sears v. Hull*, 961 P.2d 1013, 1017 (1998).

"To gain standing to bring an action, a plaintiff must allege a distinct and palpable injury." *Fernandez v. Takata Seat Belts, Inc.*, 108 P.3d 917.

Lujan v. Defenders of Wildlife 504 U.S. 555 (1992). The test has three elements:

First, the plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized, and (b) "actual or imminent, not 'conjectural' or 'hypothetical.'" Second, there must be a causal connection between the injury and the conduct complained of—the injury has to be "fairly . . . trace[able] to the challenged action of the defendant, and not . . . th[e] result [of] the independent action of some third party not before the

court.” Third, it must be “likely,” as opposed to merely “speculative,” that the injury will be “redressed by a favorable decision.”

The *Lee/Cleveland Cliffs* majority also held that a litigant must meet the *Lujan* standing requirements regardless of whether the Legislature expressly created a cause of action or conferred standing on the litigant because, although the Legislature has the power to create causes of actions, it does not have the power to expand the judicial authority granted to the courts by the Michigan Constitution. See *Mich Citizens for Water Conservation v Nestlé Waters North America Inc*, 479 Mich 280, 302-303; 737 NW2d 447 (2007). The Court also held that a litigant must meet *Lujan*’s requirements in order to bring a declaratory action. *Associated Builders & Contractors v Dep’t of Consumer & Indus Servs Dir*, 472 Mich 117, 124-127; 693 NW2d 374 (2005).

Explain and show how the action is of the kind authorized by statute. *Martin v Chandid*, 128 F2d 73 1; *Pacific Mills v Kekefick*, 99 F2d 18 8.

"In cases where the court is conferred power to adjudicate by virtue of a statute, the court's jurisdiction is strictly limited by the statute." In a court of limited jurisdiction, whenever a party denies that the court has subject-matter jurisdiction, it becomes the duty and the burden of the party claiming that the court has subject matter jurisdiction to provide evidence from the record of the case that the court holds subject-matter jurisdiction. [Emphasis added]

All orders or judgments issued by a judge in a court of limited jurisdiction must contain the findings of the court showing that the court has subject-matter jurisdiction, not allegations that the court has jurisdiction.

The MCL 450.681 Sec.1 and P.A. 354 in 1917 is in plain English about how illegal it is for a corporation representing another corporation, or anyone outside of it's self, i.e. KENNETH D. BELL name here-attorney at law. The Court would lack personam jurisdiction if there is not a nexus between parties; and all attorneys come under the Judicial branch and are judicial officers under the Supreme Court which means they can only represent the Court and not the People, the State or bring forth evidence, therefore "Defendant" challenge personam jurisdiction for the record.

Any explanations to the above mentioned matters MUST be done on a point by point basis with verified facts that are referenced in law, Legislative acts, Federal and/or State constitutions. The **response** from the **Party/Petitioner/Plaintiff** asserting proper jurisdiction must be sworn to under the penalties of perjury of the United States of America that response is true and correct, certified by notarization, and must be able to be understood by any reasonable man/woman should understand.

Pleadings of this Party SHALL NOT BE dismissed for lack of form or failure of process. All the pleadings are as any reasonable man/woman would understand, and in support of that claim I submit the following:

"And be it further enacted. That no summons, writ, declaration, return, process, judgment, or other proceedings in civil cases in any of the courts or the United States, shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects or want of form in such writ, declaration, or other pleading, returns, process, judgment, or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall and may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time, permit either of the parties to amend any defect in the process of pleadings upon such conditions as the said courts

respectively shall in their discretion, and by their rules prescribe. (a)" Judiciary Act of September 24th, 1789, Section 342, FIRST CONGRESS, Sess. 1, ch. 20,1789.

AFFIDAVIT

I, Lamel Mitchell declare this is true, correct, and complete.

1.) SUBJECT-MATTER jurisdiction is the authority of a court to hear and make a determination in a court action.

2.) "Without subject-matter jurisdiction all orders and judgments issued by a judge are void under law".

3.) Without subject-matter jurisdiction all orders and judgments issued by a judge are of no legal force and effect.

4.) Every act of the court beyond the subject-matter jurisdiction is void.

5.) Where a courts' power to act is controlled by statute, the court is governed by the rules of limited jurisdiction.

6.) Courts exercising jurisdiction by statute must proceed within the structure of the statute.

7.) Statutes are written with only limited jurisdiction.

8.) Statutes can only be applied to the subjects,(citizens, etc.), which they apply to.

9.) Statutes do not necessarily apply to one with unlimited reservation of rights asserted herein.

10.) Special statutory jurisdiction is limited to the language of the act countering it.

11.) As regard 10.) above, the court has no power from any other source.

12.) The authority of the court to make an order must be found in the statute.

- 13.) If a judge does not have subject-matter jurisdiction, then the law states that the judge has violated the law.
- 14.) If a judge not have subject-matter jurisdiction, then the law states that the judge is a trespasser of the law.
- 15.) A trespasser is one who has committed unlawful interference with one's person, property, or rights.
- 16.) The law presumes nothing in favor of the jurisdiction of a court exercising special statutory powers, such as those given by statute under which a court acts.
- 17.) The judge has a duty to continually inspect the record of the case, and if subject-matter Jurisdiction does not appear from the record of the case, then the judge has the duty to dismiss the case as lacking Subject-matter jurisdiction.
- 18.) if a judge acts in any case in which the judge does not have subject-matter jurisdiction, the judge is acting unlawfully.
- 19.) A judge should not act in any case in which judge is acting without any judicial authority.
- 20.) Judge's allegation that he/she has subject-matter jurisdiction is only an allegation.
- 21.) If a judge has no subject-matter jurisdiction, those who advise judge, or execute his process are trespassers.
- 22.)The judge who acts without subject-matter jurisdiction is trespassing on the law and on the rights of the party aggrieved.
- 23.) Is anyone who acts in conjunction with a judge who acts without subject-matter jurisdiction violating the law.

**CONSENT IS NEITHER IMPLIED NOR GIVEN ALL RIGHTS ASSERTED
WITHOUT PREJUDICE**

Any response to this affidavit must be done on a point by point basis in writing or accept a default for their actions, and default will be a full dismissal of any and all related charges as well as specific charge in the above cause. Time for response shall be seven (7) days from service date.

I declare that the statements above are true and accurate to the best of my knowledge.

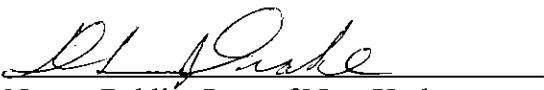
Respectfully presented, Signed with explicit reservation of all Rights, and I waive none of my Rights at any time or for any reason,



Lamel Mitchell in pro per, sui juris (NOT PRO SE)

Authorized Beneficiary for LAMEL MITCHELL.

Subscribed before me this 12th day of May 2017



Notary Public, State of New York,

County of Queens

AHMED DRAKE
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01DR6337549
QUALIFIED IN QUEENS COUNTY
MY COMMISSION EXPIRES 02-29-2020

My commission expires: 02-29-2020